City of Seattle

Department of Planning & Development
Diane M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3012712

Applicant Name: Gordon Fleener

Address of Proposal: 4741 11th Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a three-story structure containing 116,640 sq. ft. of sales and rental of motorized vehicles and 4,834 sq. ft. of office (Freeway Motors). Project includes 1,350 cu. yds. of grading. The existing 6,300 sq. ft. service building to be demolished and the 8,120 sq. ft. vehicle showroom building to remain.

The following approvals are required:

Design Review – Seattle Municipal Code (SMC) 23.41

Development Standard Departures:

1. **Structural Building Overhang** (SMC23.53.035)
2. **Vehicle Access** (SMC23.47A.032)

SEPA Environmental Determination – SMC 25.05

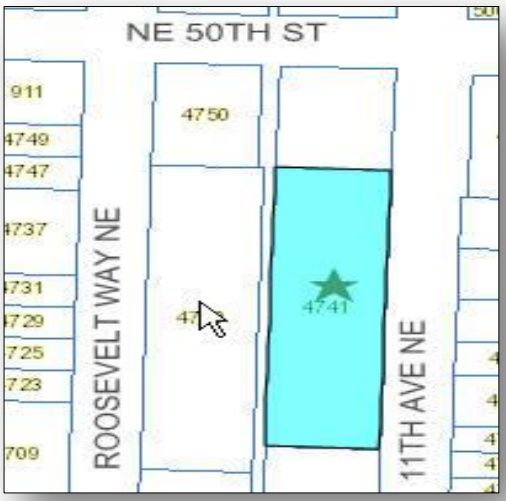
SEPA Determination: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND INFORMATION:

The 55,430 square foot development site includes most of the western frontage of 11th Ave, NE. between NE 47th and NE 50th streets. The site is currently used as a new car showroom and on-grade parking for car service write-up customers; surface lots for new and used car display; parking for cars before and after servicing; 12-hoist car service building; single car wash machine; loading bay; dumpster area.



The site is zoned Neighborhood Commercial 3 with a 65' height limit (NC3-65), and is located in the University District Northwest Urban Center Village, and NE 45th Street Station Overlay District.

Adjacent property west of alley (under same ownership): Surface lot for new & used car display; car showroom, car service building; parking for cars before & after servicing.

Adjacent property west of alley (under other ownership): Vacated building formerly housing Tubs.

Surrounding Development: Along 11th Ave NE east of project site: Three 5-story mixed-use apartment buildings, one 2-story apartment building, & 3 residences.

Along NE 50th St north of project site & divided by alley: Fire Station No. 17 & 1-story retail building.

Along NE 47th St south of project site & divided by alley: University Mazda car service building (no relation to University VW or University Audi) & parking lot used by University Audi for car storage.

ECAs: None.

Neighborhood Character: There is a variety of general uses represented within the surrounding blocks including housing, retail, grocer, restaurant and church. In the vicinity, there are three newly planned developments that are expected to be in construction within the next year.

Mixed collection of building types (concrete, wood frame, structural steel), uses (offices, residences, retail, public service), & styles (International, Art Deco, Spanish Colonial, Bungalow, & "nondescript").

Public Comments

Public comments were invited at the three Design Review public meetings and the Master Use Permit application. Comments from the Design Review meetings are noted within the Design Review process summaries which follow below.

PROJECT DESCRIPTION

The applicant proposes to build a 50 foot tall, 3-story structure — for vehicle service, storage and display of 300 new vehicles — to meet their current and future needs, while accommodating all the exiting uses currently on site. The proposal will be sited on the northern 470 linear feet of the site. This will require approximately 86,000 square feet and a ramp of approximately 6,300 square feet. In addition, a car display area is proposed at ground level for approximately 60 cars, requiring about 18,000 square feet. Also at ground level, a service area is proposed for 30 car hoists, tool storage, a locker room, etc. and associated parking for cars being serviced. This will require approximately 21,000 square feet. Accessory spaces will be provided for a vehicle washing machine, facilities for recycling, trash compaction and trash pick-up. The entire facility will be approximately 130,000 square feet. The eastern portion of the roof will be a flat, green roof; the western portion will be sloped and will drain onto the green roof. Extensive landscaping will be installed along the 11th Ave NE and NE 50th St sides, in addition to required street trees and accompanying plantings.

Master Use Permit Application

The applicant revised the design and applied for a Master Use Permit with a design review component on March 30, 2012. The public comment period ended on May 16, 2012. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000[1].

ANALYSIS – DESIGN REVIEW

Architect's Presentation: *(January 9, 2012)*

Three alternative design schemes were presented. *Similarities among all three options included building mass & footprint, identical storefront windows along NE 50th St and 11th Ave NE and a green roof. The alternative designs involved the street side facades of Levels 2 & 3.*

The first scheme (Option A) showed a flat facade with punched windows similar to older apartment buildings.

The second scheme (Option B – the preferred option) showed a facade modulated by angled bay windows into which car fronts would extend.

The third scheme (Option C) showed a flat curtain wall facade similar to office buildings.

[1] http://www.seattle.gov/dpd/PRC/LocationHours/default.asp

At the Initial Recommendation Meeting (October 15, 2012)

The second scheme (Option B – the preferred option) was shown with a facade modulated by angled bay windows into which car fronts would extend.

At the Final Recommendation Meeting (*November 19, 2012)*

The second scheme (Option B – the preferred option) overview was re-shown. Then the presentation focused on the Ramp Tower and Lantern, and the Modulation of the Bays on floors 2 and 3.

PUBLIC COMMENT

At Early Design Guidance

Approximately 3 members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Only one of three public attendees spoke. He noted he was familiar with this architect's work & that the building would be of high design quality & detailing.
- Stated that he & his wife often walked along 11th Ave NE and this building would be an asset to the neighborhood, citing better lighting & security cameras (presumably) would improve security. Was pleased with proposed building height (3 stories), appearance, & green roof.

At the Initial Recommendation Meeting and the ***Final Recommendation Meeting***

No members of the public attended.

DESIGN GUIDELINE PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the Design Review website.

A. Site Planning

A-1 ***Responding to Site Characteristics.*** *The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.*

See A-3 below.

At the Initial Recommendation Meeting, the Board requested additional information about the pedestrian experience along 11th Ave NE and NE 50th St.

At the Final Recommendation Meeting, the architect presented new drawings of the NE corner of the building — into the service area — and the revised SE corner of the building showing the wide entrance to the showroom, plus the view of the façade along 11th Ave NE. These drawings more clearly depict the pedestrian experience.

DRB General Consensus: The Board better understood the pedestrian experience we will create and were pleased with the outcome.

Conclusion: The Board agreed that the Pedestrian Experience guideline has been met and the fenestration, as originally designed, was accepted.

A-2 ***Streetscape Compatibility.*** *The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

At the Early Design Guidance Meeting, the Board noted this as important & should be addressed, no specific comments were provided.

At the Final Recommendation Meeting, the Board noted that the design addresses this guideline.

A-3 ***Entrances Visible from the Street.*** *Entries should be clearly identifiable and visible from the street.*

At the Early Design Guidance Meeting, the Board noted that cars enter/exit the site from the alley. Although the access points from NE 47th St and 11th Ave NE are clearly identifiable, pedestrians seldom access the site from 11th Ave NE.

At the Final Recommendation Meeting, the Board noted that the design addresses this guideline.

A-4 ***Human Activity.*** *New development should be sited and designed to encourage human activity on the street.*

At the Early Design Guidance Meeting, the Board did not note this as a high priority, but asked that the applicant consider how the building meets the street with respect to scale, how it address its impact on human activity, and how vehicles and people will interact.

At the Final Recommendation Meeting, the Board noted that the design addresses this guideline.

A-8 ***Parking and Vehicle Access.*** *Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.*

At the Early Design Guidance Meeting, the Board noted that vehicle entrances/exits to the site are from the alley.

At the Final Recommendation Meeting, the Board noted that the design addresses this guideline.

A-10 ***Corner Lots.*** *Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.*

At the Early Design Guidance Meeting, the Board commented that the corner should be a strong element and was a design opportunity. If the right materials for the north and east facades are chosen, the corner will take care of itself. The materials could be different, depending on the final design. Perhaps the materials should be different because of the need to make the corner important.

At the Initial Recommendation Meeting, the Board found neither original corner design satisfied the Design Guideline that corners be important elements of a building on a corner lot. In addition they felt the pylon sign competed with the SE corner. They suggested the corners be stronger and perhaps incorporate materials different from the adjacent facades. Directional guidance for the NE corner was much less specific.

At the Final Recommendation Meeting, the architect presented a new design for both corners. SE Corner has been vertically expanded and glazed, providing display space for one car on each floor. The NE Corner roof was raised above the parapet railing, the glazing was altered to be more compatible with other similar glazing, spandrels were changed from concrete to metal siding, and each level was stepped out.

DRB General Consensus:

SE Corner – The new design was well received with no further critique.

NE Corner – Almost the entire Board saw the new design as too complex, should be more like the SE corner, should be more vertical, shouldn't step out. One member liked the asymmetry of the corners.

Conclusion: The Board agreed the SE corner now meets the Design Guidelines including elimination of competition from the pylon sign and was accepted.

The Board, rather than requiring an additional meeting to address this corner, directed DPD to work with the applicant to resolve the design.

B. Height, Bulk and Scale

B-1 ***Height, Bulk, and Scale Compatibility.*** *Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.*

At the Early Design Guidance Meeting, the Board noted this guideline as important. One Board member noted that the early design proposed alternates barely meet the 3-scheme notion, but the typology of the building (needing to house many cars with adequate circulation space) limits the options and did not suggest designing more schemes. That Board member also noted the building is "huge" and seems to show Bauhaus factory precedents, this being a good characteristic, and suggested this as an architectural direction.

Others Board members noted the building should make a bold statement with its size, the almost industrial "muscle" of it, and with the ramp. It was suggested that the parapet be "pushed" out to further enhance the structures scale.

A majority of the Board members agreed with the Bauhaus comment and liked the bold scale of the ramp.

Two of the Board members suggested that the applicant explore combining the bays widths to improve the modulation/scale of the building.

At the Final Recommendation Meeting, the Board noted that the design addresses this guideline.

C. Architectural Elements and Materials

C-2 ***Architectural Concept and Consistency.*** *Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.*

At the Early Design Guidance Meeting, this guideline generated the most comments. Comments included two very different ideas: 1. On the facade, visually distinguishing the car display from the car service portions of the building. 2. Maintaining visual consistency across the façade. This view seemed to prevail, as did emphasizing the early Bauhaus (industrial building) precedent.

One Board member liked making the ramp visible, as did the others, noting the opportunity for a strong design statement. That Board member noted the feeling of bigness was appropriate to the use. "… it is one move away from being great." Attention needs to be paid to the west façade – "it will be visible from above the roofs of the nearby buildings." A Board member asked if the bays are needed. The applicant replied: "Yes, to make more aisle width for moving cars in and out of their stalls feasible." Another Board member then noted the façade should have its own language – opportunity to speak "muscle". This area allows for iconic expression – to be its own thing.

DPD staff asked for ramp comments. One Board member asked about the challenge of holding the street edge with the open ramp. If unenclosed, wants it to be really visible. The applicant replied: "Enclosure at base has been removed in further design refinements." Others want the ramp to be open.

***Ramp Tower & Lantern**:*

At the Initial Recommendation Meeting, the Board requested that the ramp lantern lid be lightened and made more consistent with the shape of the ramp tower. No further requests were made.

At the Final Recommendation Meeting, the architect presented an altered and lightened the lantern by lowering the window sills to create taller windows that we extended across the back of the north lantern wall in place of the original concrete wall.

A rounded cap was considered by the applicant to reflect the form of the ramp tower, but they concluded this created a disassociation of the ramp tower from the rest of the building. Instead, the square cap was retained; however the thinner edge was introduced.

DRB General Consensus: Most Board members were neutral on the redesigned lantern and cap, and understood that the design — a discussed during the presentation — is a legitimate expression of the applicants design approach for this project.

Conclusion: The redesigned ramp tower lantern was accepted primarily because it does not conflict with the Design Guidelines. Although they were not enthusiastic with the square cap, they agreed their role was not to dictate design. The redesign was accepted.

***Modulation of the Bays on Floors 2 & 3**:*

At the Initial Recommendation Meeting, the Board requested alternates to the 2-car bay modulation and had issues with the inconsistency between the street level façade and the façade of the two upper levels. They also had issues with the ribbon windows. *Note that during the Board's discussion of the second DR presentation, A-1 (Human Activity) was also discussed in relationship to these modulation issues.* The Applicant interpreted this to mean that the entire façade, as opposed to just the street level façade, was part and parcel of the pedestrian experience. Their response addresses both Design Guidelines.

At the Final Recommendation Meeting, the architect presented an alternate façade using a 2-car and 1-car bay modulation and a flat façade to illustrate that the preferred original 2-car bay modulation is, indeed, complex.

The flat façade alternate allowed the Board to more clearly see the syncopated rhythm of the 11th Ave NE façade and the contrast between the strong verticality of the street level supporting the strong horizontality of the upper two levels. This was the applicants design intent.

No alternates to ribbon windows were presented because ribbon windows are part of the preferred option that was presented at the Early Design Guidance meeting. The Board directed the applicant to develop this option.

DRB General Consensus: The Board agreed that, while the 1-car/2-car bay modulation is interesting, it did not necessarily create a more complex and interesting façade, nor did it enhance the pedestrian experience. They agreed the original 2-car bay modulation is more compatible with the overall design intent.

Conclusion: The Board agreed that both the architectural concept and the pedestrian experience have satisfied their guidance. The 2-car bay modulation and the original street façade were accepted.

C-3 ***Human Scale.*** *The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.*

At the Early Design Guidance Meeting, One Board member commented on the large scale of the storefront windows.

At the Final Recommendation Meeting, the Board noted that the design addresses this guideline.

C-4 ***Exterior Finish Materials.*** *Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

At the Initial Recommendation Meeting, the Board asked for a materials and colors board. One Board member took issue with the "sea of asphalt" between the existing showroom and the new storage/display/service building public entrance at the base of the ramp tower.

At the Final Recommendation Meeting, the architect provided a materials and colors board. They also presented a straight pathway of concrete paving becoming circular and more complex below the ramp, leading to the public entrance at the base of the ramp tower.

DRB General Consensus: The Board agreed the new design eliminated the "sea of asphalt" and also worked to enhance the pedestrian on-site experience. One Board member worried that there might not be enough contrast between the paving and the asphalt to guide the users.

Conclusion: The Board accepted the new paving design.

C-5 ***Structured Parking Entrances.*** *The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.*

At the Early Design Guidance Meeting, the Board noted their interest in having the ramp very visible as opposed to being minimized.

At the Final Recommendation Meeting, the Board noted that the design addresses this guideline.

D. Pedestrian Environment

D-2 ***Blank Walls.*** *Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.*

D-4 ***Design of Parking Lots Near Sidewalks.*** *Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.*

D-5 ***Visual Impacts of Parking Structures.*** *The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.*

At the Early Design Guidance Meeting, the Board said D-5 is important, but made no further comments, other than what has been noted in C-2, C-4, C-4, & C-5.

At the Final Recommendation Meeting, the Board noted that the design addresses these guidelines.

D-7 ***Personal Safety and Security.*** *Project design should consider opportunities for enhancing personal safety and security in the environment under review.*

At the Early Design Guidance Meeting, the Board this might be addressed by site lighting.

At the Final Recommendation Meeting, the Board noted that the design addresses this guideline.

D-8 ***Treatment of Alleys.*** *The design of alley entrances should enhance the pedestrian street front.*

At the Early Design Guidance Meeting, the Board referenced taking into consideration the view from properties to the west when designing the west façade – see C-2, above.

At the Final Recommendation Meeting, the Board noted that they design addresses this guideline.

D-9 ***Commercial Signage.*** *Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.*

D-10 ***Commercial Lighting.*** *Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.*

D-11 ***Commercial Transparency.*** *Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.*

At the Early Design Guidance Meeting, the Board made no comments, possibly because the transparency of the facades at all levels is clear in the three design alternatives.

At the Final Recommendation Meeting, the Board noted that the design addresses these guidelines.

E. Landscaping

E-1 ***Landscaping to Reinforce Design Continuity with Adjacent Sites.*** *Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

E-2 ***Landscaping to Enhance the Building and/or Site.*** *Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.*

At the Early Design Guidance Meeting, the Board briefly discussed the required street trees and landscaping in the new 5' wide setback area, the new 5' wide sidewalk, and the proposed additional 30" wide area of landscaping, hardscape (planters, etc.) or other elements at the building edge along 11th Ave NE and NE 50th St designed to enhance the pedestrian experience, but cautioned that given the "racetrack" nature of NE 50th St, enhancing the pedestrian experience is a challenge.

At the Final Recommendation Meeting, the Board noted that the design addresses these guidelines.

DEVELOPMENT STANDARD DEPARTURES

*At the **Final Recommendation meeting** two departures were required:*

1. **Structural Building Overhang (23.53.035):** The Code requires some substantial portion of the proposed bays be parallel to the face of the building. The applicant proposes angling the bays 30-60 degrees from the face of the building.

   The Board **recommended approval** of this departure.

2. **Vehicle Access (23.47A.032):** The Code requires access to parking shall be from the alley if the lot abuts an alley improved to the standards of Section 23.53.030.C. …. The applicant proposes access from the alley and 11th Ave NE (a street).

   The Board **recommended approval** of this departure.

DIRECTOR'S DECISION — *Design Review*

The Board's recommendation was based on the design review packet and the presentation by the applicant at the Design Review meetings. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, (all those present) of the Design Review Board **recommended APPROVAL** of the subject design[2].

[2] See the Recommendation Report for the Board member present.

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed recommendations, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the recommendations and decision of the Design Review Board made by the members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Buildings, and is consistent with SEPA requirements or state and federal laws. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design with the conditions summarized at the end of this Decision.

The Director of DPD has reviewed the recommendations of the Design Board members present at the Final Design Review Recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the guideline's and do not conflict with regulatory requirements.

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS – SEPA

This analysis relies on the ***Environmental (SEPA) Checklist*** for the proposed development submitted by the applicant which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*," subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-Term Impacts

The following temporary construction-related impacts are expected: temporary soils erosion; temporarily decreased air quality due to dust and other suspended air particulates during construction and demolition; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). Although not significant, these impacts may be adverse, and in some cases, mitigation is warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise and construction traffic warrant further discussion.

Earth

The project will require excavation and DPD anticipates further study and design associated with the grading and construction permits. DPD geotechnical staff indicates that existing Codes (Grading and Drainage Control Ordinance, SMC 22.800) provide authority to require appropriate mitigation for this project, and that no specific conditioning is warranted in this regard.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition.

Environmental Health

State law provides for the cleanup and appropriate disposal of hazardous substances. The Model Toxics Control Act (WAC 173-340) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located. DPD alerts the applicant to this law and provides a contact: Joe Hickey, DOE, (425) 649-7202.

Discharge of contaminated groundwater to the sewage system is regulated by the King County Department of Natural Resources under Public Rule PUT 8-14. A factsheet and permit application is available online or by calling (206) 263-3000.

Disposal of contaminated fill is regulated by the City/County Health Department, contact: Jill Trohimovich, (206) 263-8496.

Existing regulations adequately address potential impacts to environmental health. In addition, there is no evidence of environmental health issues on the project site. No further conditioning of site cleanup or hazardous waste treatment is warranted pursuant to SEPA policies.

Construction Noise

As redevelopment proceeds, noise associated with demolition/construction activities at the site could adversely affect the surrounding residential/commercial uses. However, the limitations of the Noise Ordinance are found to be adequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), no mitigation other than compliance with the Construction Noise Ordinance is warranted.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. In addition, most of the commercial uses in the surrounding area include enough on-site parking such that street parking is not an issue. Construction parking impacts will be insignificant and therefore SEPA mitigation of parking impacts during construction is unwarranted.

Traffic and Circulation

Site preparation would involve removal of the existing on asphalt pavement and excavation for the foundation of the proposed building. Approximately 1,350 cubic yards of material would be excavated and removed from the site.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with the removal of the existing building and excavation for the foundation of the proposed building will be of short duration and mitigated in part by enforcement of SMC 11.62. This immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675 B (Construction Impacts Policy) and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations. Assuming contractors use double loaded trucks to export/import grade/file material, with each truck holding approximately 20 cubic yards of material, thus requiring approximately 68 truckloads (135 trips) to remove the excavated material.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC 11.62.

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Streets and Sidewalks

The proposed on-site demolition, excavation and construction are controlled by a demolition/building permit, separate from this Master Use Permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, so mitigation is not required pursuant to SEPA.

Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale of building in some areas of the site; increased light and glare from exterior lighting, increased noise due to increased human activity; increased demand on public services; increased traffic on adjacent streets; increased on-street parking, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion (noted below).

The likely long-term impacts are typical of this scale of mixed use development, and DPD expects them to be mitigated by the City's existing codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, light, traffic, setbacks, parking) the Seattle Energy Code (long-term energy consumption), and the Street Use Ordinance. However, more detailed discussion of some of these impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires provisions for controlled release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not significant, so do not require mitigation pursuant to SEPA.

Height, Bulk, and Scale

SMC 25.05.675.G.2.c states, "*The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.*"

The site is surrounded by properties that are similarly zoned. The Design Review Board considered issues of height, bulk and scale in its review of this project and unanimously recommended approval of the project design. The proposed structure is located on an NC3-65 zoned site, and the structure conforms to zoning requirements, including height and bulk. No additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Light and Glare

The checklist discusses the project's potential light and glare effects on the surrounding area. The proposed project exterior design emphasizes a sympathetic arrangement of glazing and materials on the facades. Lighting will be downshielded but will provide enough light in the evening to provide a safe environment. DPD therefore determines that light and glare impacts are not substantial and warrant no further mitigation per SMC 25.05.675.K.

Other Impacts

Several codes adopted by the City will appropriately mitigate the use-related adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[**X**] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

The proposed action is **APPROVED WITH CONDITIONS**.

CONDITIONS – SEPA

During Demolition, Excavation, and Construction — the owner(s) and/or responsible party(ies)

1. Truck trips to and from the project site shall cease during the hours between 4 PM and 6 PM on weekdays[3].

CONDITIONS-DESIGN REVIEW

For the Life of the Project

2. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner assigned to the project.

Prior to Issuance of a Permanent Certificate of Occupancy

3. The applicant shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with, sitting, materials, and architectural details is substantially the same as those documented in the approved/issued plans.

Signature: (signature on file) Date: March 28, 2013
Colin Vasquez, Senior Land Use Planner
Department of Planning and Development

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[3] This condition does not apply to single rear axle vehicles one-ton or smaller.